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8 Attorneys for Defendant

9 UNITED STATES DISTRICT COURT

10 DISTRICT OF NEVADA

11 BYFORD "PETER" WHITTINGHAM, an
individual,

12 Plaintiff,

13 vs.

14 THE STATE OF NEVADA, ex. rel. NEVADA
ATTORNEY GENERAL'S OFFICE, a
Subdivision of the State of Nevada; DAVID
16 O'HARA, an individual, JANE DOE an
Individual; DOES 1-50, inclusive,

17 Defendants.

18 CASE NO. 2:20-cv-00811-GMN-EFY

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**STIPULATION AND PROPOSED ORDER
TO STAY TIME FOR DEFENDANT TO
FILE A RESPONSE TO PLAINTIFF'S
FIRST AMENDED COMPLAINT (ECF NO.
35) AND TO STAY DISCOVERY UNTIL A
RESPONSE TO THE FIRST AMENDED
COMPLAINT IS FILED**

(First Request)

Defendant, NEVADA ATTORNEY GENERAL'S OFFICE, by and through their attorneys, AARON D. FORD, Attorney General for the State of Nevada, MICHELLE DI SILVESTRO ALANIS, Supervising Senior Deputy Attorney General, and GERALD L. TAN, Deputy Attorney General, and Plaintiff, BYFORD "PETER" WHITTINGHAM, by and through his attorneys, JENNY L. FOLEY, ESQ. and DANA SNIEGOCKI, ESQ. hereby stipulate pursuant to LR IA 6-1, LR IA 6-2 to stay the time for Defendant to respond to the First Amended Complaint and to stay discovery until an Order is filed and an operative Complaint is determined. This is the first request to extend or stay the time to respond to the First Amended Complaint.

On September 22, 2020, United States Magistrate Judge Youchah entered an Order and Report and Recommendation (ECF 31) regarding Plaintiff's Motion for Leave to Amend (ECF 18).

1 The Order granted in part to allow Plaintiff to replead a First Amended Complaint alleging Title
2 VII retaliation against State of Nevada ex rel. Nevada Attorney General's Office.

3 The Report made several recommendations to the United States District Court Judge denying
4 with prejudice several proposed amendments. The Report also made several recommendations that
5 certain claims be dismissed without prejudice with one opportunity to amend.

6 Plaintiff filed his First Amended Complaint on November 12, 2020 (ECF No. 35). The current
7 deadline for Defendant to file its response to the First Amended Complaint is November 30, 2020.

8 There is currently no Order on file adopting the recommendations of Judge Youchah; therefore,
9 the parties stipulate to STAY the Defendant's response to the First Amended Complaint (ECF No. 35)
10 until an Order is entered.

11 If an Order is entered adopting the recommendations as set forth in ECF 31, then the Defendant
12 will have fifteen (15) days to file a response to the First Amended Complaint.

13 If the Order does not adopt the recommendations as set forth in ECF 31, then Plaintiff will
14 withdraw his First Amended Complaint and refile in accordance with the Order. Defendant's response
15 will be due in accordance with the Federal Rules of Civil Procedure.

16 The parties further stipulate to STAY discovery until an Order is filed and the parties can
17 determine which Complaint is operative and what claims and parties are at issue in the litigation.

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This request is made in good faith and not for purposes of delay.

DATED: November 30, 2020.

DATED: November 30, 2020.

AARON D. FORD
Attorney General

HKM Employment Attorneys. LLP

By: /s/ Michelle Di Silvestro Alanis
Michelle Di Silvestro Alanis (Bar. No. 10024)
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[Permission to sign electronically received in writing]

ORDER

IT IS SO ORDERED.

DATED this 30 day of November, 2020.

Elayna J. Youchah
ELAYNA J. YOUCAH
UNITED STATES MAGISTRATE JUDGE